

SECOND REGULAR SESSION

# HOUSE BILL NO. 2121

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE KOLKMEYER.

6360H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 413.225 and 413.226, RSMo, and to enact in lieu thereof two new sections relating to weights and measures fees for alternative fueling devices.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 413.225 and 413.226, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 413.225 and 413.226, to read as follows:

413.225. 1. There is established a fee for registration, inspection and calibration services performed by the division of weights and measures. The fees are due at the time the service is rendered and shall be paid to the director by the person receiving the service. The director shall collect fees according to the following schedule and shall deposit them with the state treasurer into the agriculture protection fund as set forth in section 261.200:

(1) From August 28, 2013, until the next January first, laboratory fees for metrology calibrations shall be at the rate of sixty dollars per hour for tolerance testing or precision calibration. Time periods over one hour shall be computed to the nearest one-quarter hour. On the first day of January, 2014, and each year thereafter, the director of agriculture shall ascertain the total receipts and expenses for the metrology calibrations during the preceding year and shall fix a fee schedule for the ensuing year at a rate per hour as will yield revenue not more than the total cost of operating the metrology laboratory during the ensuing year, but not to exceed one hundred twenty-five dollars;

(2) All device test fees charged shall include, but not be limited to, the following devices:

(a) Small scales;

(b) Vehicle scales;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (c) Livestock scales;  
19 (d) Hopper scales;  
20 (e) Railroad scales;  
21 (f) Monorail scales;  
22 (g) In-motion scales including but not limited to vehicle, railroad and belt conveyor  
23 scales;  
24 (h) Taximeters;  
25 (i) Timing devices;  
26 (j) Fabric-measuring devices;  
27 (k) Wire- and cordage-measuring devices;  
28 (l) Milk for quantity determination; [and]  
29 (m) Vehicle tank meters;  
30 **(n) Compressed natural gas meters;**  
31 **(o) Liquefied natural gas meters;**  
32 **(p) Electrical charging stations; and**  
33 **(q) Hydrogen fuel meters;**  
34 (3) Devices that require participation in on-site field evaluations for National Type  
35 Evaluation Program Certification and all tests of in-motion scales shall be charged a fee, plus  
36 mileage from the inspector's official domicile to and from the inspection site. The time shall  
37 begin when the state inspector performing the inspection arrives at the site to be inspected and  
38 shall end when the final report is signed by the owner/operator and the inspector departs;  
39 (4) Every person shall register each location of such person's place of business where  
40 devices or instruments are used to ascertain the moisture content of grains and seeds offered for  
41 sale, processing or storage in this state with the director and shall pay a registration fee for each  
42 location so registered and a fee for each additional device or instrument at such location.  
43 Thereafter, by January thirty-first of each year, each person who is required to register pursuant  
44 to this subdivision shall pay an annual fee for each location so registered and an additional fee  
45 for each additional machine at each location. The fee on newly purchased devices shall be paid  
46 within thirty days after the date of purchase. Application for registration of a place of business  
47 shall be made on forms provided by the director and shall require information concerning the  
48 make, model and serial number of the device and such other information as the director shall  
49 deem necessary. Provided, however, this subsection shall not apply to moisture-measuring  
50 devices used exclusively for the purpose of obtaining information necessary to manufacturing  
51 processes involving plant products. In addition to fees required by this subdivision, a fee shall  
52 be charged for each device subject to retest.

53           2. On the first day of January, 1995, and each year thereafter, the director of agriculture  
54 shall ascertain the total receipts and expenses for the testing of weighing and measuring devices  
55 referred to in subdivisions (2), (3), and (4) of subsection 1 of this section and shall fix the fees  
56 or rate per hour for such weighing and measuring devices to derive revenue not more than the  
57 total cost of the operation.

58           3. On the first day of October, 2014, and each year thereafter, the director of the  
59 department of agriculture shall submit a report to the general assembly that states the current  
60 laboratory fees for metrology calibration, the expenses for administering this section for the  
61 previous calendar year, any proposed change to the laboratory fee structure, and estimated  
62 expenses for administering this section during the ensuing year. The proposed change to the  
63 laboratory fee structure shall not yield revenue greater than the total cost of administering this  
64 section during the ensuing year.

65           4. Beginning August 28, 2013, and each year thereafter, the director of the department  
66 of agriculture shall publish the laboratory fee schedule on the departmental website. The website  
67 shall be updated within thirty days of a change in the laboratory fee schedule set forth in this  
68 section.

69           5. Retests for any device within the same calendar year will be charged at the same rate  
70 as the initial test. Devices being retested in the same calendar year as a result of rejection and  
71 repair are exempt from the requirements of this subsection.

72           6. All device inspection fees shall be paid within thirty days of the issuance of the  
73 original invoice. Any fee not paid within ninety days after the date of the original invoice will  
74 be cause for the director to deem the device as incorrect and it may be condemned and taken out  
75 of service, and may be seized by the director until all fees are paid.

76           7. No fee provided for by this section shall be required of any person owning or  
77 operating a moisture-measuring device or instrument who uses such device or instrument solely  
78 in agricultural or horticultural operations on such person's own land, and not in performing  
79 services, whether with or without compensation, for another person.

413.226. 1. The provisions of sections 413.005 to 413.229 shall not apply to:

2           (1) Any gas, water or electric meter used or intended to be used for measuring or  
3 ascertaining the quantity of gas or electric current used for light, heat or power, or the quantity  
4 of water, furnished by any person or corporation to or for the use of any person, **unless such**  
5 **meter is used for charging electric vehicles at a retail location;**

6           (2) Any measuring device used by any person, firm, or corporation selling at retail or  
7 wholesale gasoline, diesel fuel, heating oil, kerosene, or jet fuel subject to inspection in  
8 accordance with chapter 414;

9           (3) Any liquid meter used for the measurement and retail sale of liquefied petroleum gas  
10 or **any meter used for** compressed natural gas subject to inspection in accordance with chapter  
11 323, **unless such meter dispenses fuel for vehicle use.**

12           **2. The provisions of sections 413.005 to 413.229 shall apply to commercial weighing**  
13 **and measuring equipment used for measuring or ascertaining the quantity of gas,**  
14 **electricity, or fuel for vehicle use, including, but not limited to:**

- 15           **(1) Compressed natural gas meters;**  
16           **(2) Liquefied natural gas meters;**  
17           **(3) Electrical charging stations; and**  
18           **(4) Hydrogen fuel meters.**

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